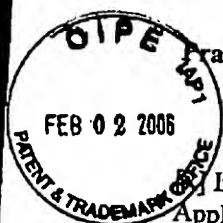


Def & Ref  
Cm# 307



Practitioner's Docket No. U 012900-8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

FEB -6 PM 3:43

In re application of: Ingrid PERSCKY de FABREGA  
Application No.: 09/754,021  
Filed: January 3, 2001  
For: E-COMMERCE DEVELOPMENT INTRANET PORTAL

Group No.: 3624  
Examiner: T.T. Havan

US PATENT & TRADEMARK  
OFFICE

[ ] Patent No.:

Issued:

\*NOTE: Insert name(s) of inventor(s) and title also for patent. Where the refund request is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

Director of the United States Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

ATTENTION: Refund Section, Accounting Division, Office of Finance

REQUEST FOR REFUND  
(37 C.F.R. 1.28(a))

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. 1.10\*

☐ as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office. to (571) 273-8300

Date: January 30, 2006

Signature

Steven I. Wallach

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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**NOTE:** 37 C.F.R. § 1.28(a): "(a) Refunds based on later establishment of small entity status. A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee."

**NOTE:** Submission of a Change of Status (small/not small entity status) after issuance of the Notice of Allowance in an application does not result in a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

**WARNING:** A request for a refund Submissions after a Notice of Allowance may subject an application to a reduction in patent term adjustment under 37 C. F. R. 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

**NOTE:** 37 C.F. R. § 1.26 Refunds

(a) The Commissioner may refund any fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent or trademark filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts. If a party paying a fee or requesting a refund does not provide the banking information necessary for making refunds by electronic funds transfer (31 U.S.C. 3332 and 31 CFR part 208), or instruct the Office that refunds are to be credited to a deposit account, the Commissioner may require such information, or use the banking information on the payment instrument to make a refund. Any refund of a fee paid by credit card will be by a credit to the credit card account to which the fee was charged.

(b) Any request for refund must be filed within two years from the date the fee was paid, except as otherwise provided in this paragraph or in § 1.28 (a). If the Office charges a deposit account by an amount other than an amount specifically indicated in an authorization (§ 1.25(b)), any request for refund based upon such charge must be filed within two years from the date of the deposit account statement indicating such charge, and include a copy of that deposit account statement. The time periods set forth in this paragraph are not extendable.

## **I. SUBMISSION OF SMALL ENTITY STATEMENT**

- (a) ☒ Attached is a Statement or Written Assertion claiming small entity status in this application.
- (b) ☐ A Statement or Written Assertion claiming small entity status was filed in this application on \_\_\_\_\_.

## **II. REFUND REQUEST**

**NOTE:** 37 C.F.R. § 1.28(b)(1): "(b) Date of payment. (1) The three-month period for requesting a refund, pursuant to paragraph (a) of this section, starts on the date that a full fee has been paid..."

This request for refund is made within three months of the date a fee was paid in this application on December 9, 2005, in the amount of \$ 1,020.00.

**NOTE:** If the fee was charged to a deposit account, a request for refund must be filed within two months of the date of the charge to the deposit account.

### III. FEES PAID FOR WHICH REFUND REQUESTED

#### AMOUNT OF REFUND REQUESTED

- ☐ A filing or claim fee  
☐ Surcharge for filing the basic filing fee on a date later than the filing date of the application (37 CFR 1.16(e) or 37 CFR 1.16(l)).

\$ \_\_\_\_\_

\$ \_\_\_\_\_

OR

- ☐ Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 CFR 1.16(e))

\$ \_\_\_\_\_

- ☐ Surcharge for filing the basic filing fee on a date later than the filing date of the provisional application (37 CFR 1.51(c)(1) and 37 CFR 1.16(l))

\$ \_\_\_\_\_

OR

- ☐ Surcharge for filing the cover sheet on a date later than the filing date of the provisional application (37 CFR 1.51(c)(1) and 37 CFR 1.16(l))

\$ \_\_\_\_\_

- ☒ Extension of term

- ☐ Issue fee

\$ 510.00

\$ \_\_\_\_\_

- ☐ Patent maintenance fee

- ☐ first maintenance fee

- ☐ second maintenance fee

- ☐ third maintenance fee

- ☐ Patent maintenance fee surcharge.

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

NOTE: The refund provisions of § 1.28(a), for later submitted small entity statements, apply to maintenance fees. Notice of July 30, 1984, 1046 O.G. 28-37.

- ☐ Other

\$ \_\_\_\_\_

TOTAL REFUND REQUESTED

\$ 510.00

### IV. MANNER OF REFUND

Please make refund by

- ☒ crediting Account No. 12-0425  
☐ refunding overpayment.


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(Request for Refund)

Reg. No. 35402

Tel. No.: (212) 708-1884

Customer No.: 00140

  
SIGNATURE OF PRACTITIONER

Steven I. Wallach  
(type or print name of practitioner)

**P.O. Address**

c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of: Ingrid PERSCKY de FABREGA  
Serial No.: 09/754,021  
Group No.: 3624  
Filed: January 3, 2001  
Examiner: T.T. Havan  
For: E-COMMERCE DEVELOPMENT INTRANET PORTAL  
Attorney Docket No.: U 012900-8

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

WRITTEN ASSERTION OF SMALL ENTITY STATUS

This is written assertion on the basis of:

- ☐ personal knowledge;  
☒ applicant's e-mail letter of January 4, 2006;  
☐ applicant's agent's letter of \_\_\_\_\_; or  
☐ other \_\_\_\_\_

by a practitioner (not necessarily of record) that the above application is entitled to small entity status and, therefore, fees.

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.  
☒ 37 C.F.R. 1.8(a)  
with sufficient postage as first class mail.

37 C.F.R. 1.10\*

as "Express Mail Post Office to Address"  
Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office, to (571) 273-8300

Date: January 30, 2006

Signature

Steven I. Wallach

(type or print name of person certifying)

\*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

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NOTE: "To establish small entity status after the payment of the basic filing or national stage fee as a non-small entity, a written assertion of small entity status is required to be submitted." Notice of September 8, 2000, 65 Fed. Reg. 54604, at 54609.

NOTE: 37 C.F.R. § 1.27(c)(1): "Assertion by writing. Small entity status may be established by a written assertion of entitlement to small entity status. A written assertion must:

- (i) Be clearly identifiable;
- (ii) Be signed (see paragraph (c)(2) of this section); and
- (iii) Convey the concept of entitlement to small entity status, such as by stating that applicant is a small entity, or that small entity status is entitled to be asserted for the application or patent. While no specific words or wording are required to assert small entity status, the intent to assert small entity status must be clearly indicated in order to comply with the assertion requirement."

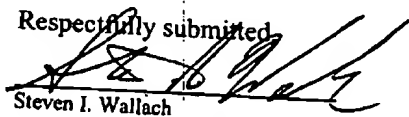
NOTE: 37 C.F.R. § 1.27(c)(2): "Parties who can sign and file the written assertion. The written assertion can be signed by:

- (i) One of the parties identified in § 1.33(b) (e.g. an attorney or agent registered with the Office). § 3.73(b) of this chapter notwithstanding, who can also file the written assertion;
- (ii) At least one of the individuals identified as an inventor (even though a § 1.63 executed oath or declaration has not been submitted), notwithstanding § 1.33(b)(4), who can also file the written assertion pursuant to the exception under § 1.33(b) of this part; or
- (iii) An assignee of an undivided part interest, notwithstanding §§ 1.33(b)(3) and 3.73(b) of this chapter, but the partial assignee cannot file the assertion without resort to a party identified under § 1.33(b) of this part."

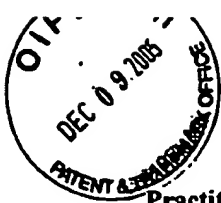
35 C.F.R. § 1.33(b):

- (b) Amendment and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
  - (1) A registered attorney or agent of record appointed in compliance with § 1.34(b);
  - (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
  - (3) An assignee as provided for under § 3.71(b) of this chapter; or
  - (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Respectfully submitted,

  
Steven I. Wallach  
c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N. Y. 10023  
Reg. No. 35402  
Tel.No.(212) 708-1884

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12-12-05 11/ 3624\$  
PATENT

Practitioner's Docket

U 012900-8

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: **Ingrid PERSCKY de FABREGA**

Serial No.: 09/754,021

Group No.: 3624

Filed: January 3, 2001

Examiner: Havan, Thu Thao

For: E-COMMERCE DEVELOPMENT INTRANET PORTAL

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

**WARNING:** Failure to file a complete response in compliance with § 1.135(c) leads to a reduction in patent term adjustment - See § 1.704(c)(7).

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. The application is qualified as  
☐ a small entity.  
☒ other than a small entity.

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

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37 C.F.R. 1.8(a)

37 C.F.R. 1.10\*

- ☐ with sufficient postage as first class mail. ☒ as "Express Mail Post Office to Addressee"  
Mailing Label No. ET043063793US (mandatory)

**TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office. to (571)-273-8300

03/06/2006 SFELEKE1 00000065 09754021

01 FC:2253

510.00 OP

Signature

Steven I. Wallach

(type or print name of person certifying)

Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Amendment Transmittal—page 1 of 4) 9-19

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Repln. Ref: 03/06/2006 SFELEKE1 0007372700  
DAH:120425 Name/Number:09754021  
FC: 9204 \$510.00 CR

Adjustment date: 03/06/2006  
12/12/2005 MBIZUNES 00000065  
01 FC:1253  
-1020.00 OP